

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

WEDNESDAY, THE 23RD MAY 2007 / 2ND JYAISHTA 1929

WP(C).No. 1424 of 2004(T)

AGAINST THE ORDER DATED 09/07/03 IN OS.246/01 IN
EP.127/2002 of PRL.SUB COURT,IRINJALAKUDA
.....

PETITIONER:

PUSHPA, AGED 40,
W/O. KURUVATH PRABHAKARAN, KODAKARA VILLAGE,
MANAKULANGARA DESOM, MUKUNDAPURAM TALUK.

BY ADV. SRI.G.SREEKUMAR (CHELUR)
SRI.RENJITH B.MARAR

RESPONDENTS:

SREEDHARAN, S/O. KURUVATH KITTAPAI,
KODAKARA VILLAGE, MANAKULANGARA DESOM,
MUKUNDAPURAM TALUK.

BY ADV. SRI.K.SURESH BABU

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 23/05/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

WPC NO.1424/2004

APPENDIX

PETITIONER'S EXHIBIT:

EXT.P1 : TRUE COPY OF THE ORDER IN EP No.127/02 IN OS No.246/01 DT.09.07.03
ON THE FILE OF THE PRINCIPAL SUB COURT, IRINJALAKUDA.

PIUS C. KURIAKOSE, J.

W.P.(C) No. 1424 OF 2004

Dated this the 23rd day of May, 2007

JUDGMENT

Ext.P1 order of the execution Court by which the contention of the revision petitioner-judgment debtor that the 5 cents of property owned and occupied by her is not liable to be attached and sold in execution of money decree has been repelled, is under challenge.

Even though Sri.G.Sreekumar, learned counsel for the petitioner was very persuasive in his submissions, I am unable to agree that the order is so unreasonable as to warrant correction under the visitorial jurisdiction of this Court under Article 227. However, considering the fact that even the decree holder does not have a case that the petitioner is in affluent circumstances, I feel that the petitioner should be granted the facility of discharging the debt in equal monthly instalments. Under these circumstances I dispose of the Writ Petition upholding Ext.P1. But I direct that the stay presently ordered will continue to operate on condition that the petitioner remits at the rate of Rs.6,000/- every month towards the decree debt commencing from 15.06.07 without fail. In the event of any two defaults the stay will stand automatically vacated in which case Ext.P1 order will be implemented and the Execution proceeded with.

PIUS C. KURIAKOSE, JUDGE

btt

